

# CONNECTICUT Land Conservation Council

Testimony Regarding:  
Senate Joint Resolution No. 36  
Raised House Bill No. 5619  
Government Administration and Elections Committee  
Submitted by Amy Blaymore Paterson, Esq., Executive Director  
March 13, 2016

Co-Chairs Cassano, Jutila and Members of the Government Administration and Elections Committee:

Please accept this testimony on behalf of the Connecticut Land Conservation Council (CLCC), regarding the following:

- **Senate Joint Resolution No. 36**, Resolution Proposing an Amendment to the Constitution of the State to Protect Certain Property Held or Controlled by the State for Conservation, Recreation, Open Space or Agricultural Purposes (Strongly Support)
- **Raised H.B. No. 5619**, An Act Conveying Certain Parcels of State Land and Requiring a Study of Certain State Real Property (Oppose Sections 5 & 8)

As the state's umbrella organization for the land conservation community, the Connecticut Land Conservation Council (CLCC) works with the state's land trusts (now numbering 137+), state conservation and advocacy organizations, government entities and landowners to increase the pace, quality, scale and permanency of land conservation in Connecticut while assuring the perpetual, high quality stewardship of conserved lands in the state. Working to ensure that our state's conservation lands are protected *in perpetuity* is at the heart of our mission and an annual policy priority for CLCC. We are therefore greatly appreciative of the Committee's leadership in addressing this critically important issue and thank you for this opportunity to provide our comments.

The State holds over 250,000 acres of State Parks, Forests, Wildlife Management Areas and other open spaces valuable for conservation, recreation and agricultural purposes. These lands were acquired with an expectation – on the part of the landowner conveying the land as well as on the part of the public -- that they would be preserved in trust for the benefit of Connecticut's citizens. Yet our public lands are largely unprotected; and year after year we find ourselves in a position of having to defend them.

As detailed in the Council on Environmental Quality's 2014 report, "*Preserved but Maybe Not: The Impermanence of State Conservation Lands*", most of the deeds to state open space lands do not include conservation restrictions (defined under Connecticut General Statutes Section 47-42(a)) expressly providing for the dedication and protection of the land *in perpetuity*. The resulting vulnerability of these public lands to conversion to non-conservation purposes is further exacerbated by a conveyance process that lacks a comprehensive system of review, provides limited, if any, opportunity for public comment, and is structured so that all proposed conveyances – good and bad – are bundled in one bill and voted on together.

**This year, we are concerned about two sections of the Conveyance Act, Raised H.B. 5619, and ask that they be removed:**

**Section 5 of H.B. 5619** requires a study that evaluates state land in the context of local zoning and recommends the expedited transfer of such properties. While more detail is needed to confirm the focus and intent of the study, it appears quite clear from the mandatory nature of the language of Section 5 that there has already been a predetermination that public lands will be transferred.



**Section 8 of H.B. 5619** proposes a transfer, for no cost, of six parcels of public land totaling approximately 66 acres of coastal property from CT DEEP to the Town of Groton. The land, with accompanying buildings, is valuable not only as waterfront real estate but also for conservation purposes -- providing protection of the water quality and scenic viewshed of the Mystic River as well as opportunities for passive recreation for the general public.

Yet Section 8 provides neither a description of the nature and location of the natural resources on the land, nor any specificity about the intended use of the property. The terms “economic development”, “recreational”, and “open space” purposes are not defined, leaving us unable to effectively evaluate the impacts of the proposed uses to the land or weigh the costs and benefits of the transfer for the public. These are exactly the types of deficiencies in the Conveyance Act that underscore the need for a Constitutional Amendment as recommended in S.J. 36.

A Constitutional Amendment offers the strongest and most unified mechanism for ensuring the best protections of our public lands. Other states, including neighboring Massachusetts, New York and Maine, have adopted this legal framework to protect their public lands; S.J. 36 provides an opportunity for Connecticut to follow suit.

S.J. 36 would provide a comprehensive and transparent public land conveyance process by requiring a 2/3 vote of each chamber of the General Assembly; a public hearing in the town or towns where the land is located; a separate bill for each proposed conveyance; and a system of compensation by requiring the acquisition of land of equivalent fair market value in the vicinity of the land to be conveyed.

#### Suggested modifications to S.J. 36

To ensure that the cost of implementing this proposed conveyance process is not borne by the State, we respectfully suggest that the S.J. 36 be clarified so that the respective expenses associated with holding a public hearing and with determining the fair market value (FMV), including but not limited to the commissioning of the requisite appraisal(s), are made the responsibility of the proposed new landowner. The authority for the ultimate approval of the FMV, however, should remain with the state agency holding the land proposed for transfer.

A Constitutional Amendment will help to protect the millions in public and private investments that have already been made in acquiring the lands that protect our air and water, provide for critical habitat, enable us to grow our food, generate revenue through business and tourism, and provide the public with an opportunity to recreate and enjoy the landscapes that make Connecticut so special.

Most importantly, a Constitutional Amendment will help to restore the confidence of the public – including, especially, landowners who want to conserve their land -- that there is a system in place to ensure that land entrusted to the state for conservation, agriculture and recreation will be protected for those purposes to the greatest extent possible.

With the state not even close to being on track to meeting its goal of conserving 21% of our open space by 2023, and at a time of tremendous fiscal uncertainty, the state can ill-afford allowing the land we *do* have to be conveyed without the highest degree of scrutiny.

On behalf of the Connecticut Land Conservation Council, I thank you for this opportunity to provide our comments. We would be happy to answer any questions you may have.